



UNITED STATES DEPARTMENT OF COMMERCE
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BCL

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/179,332	10/27/98	BATES	P CCCUSA3.0-00

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EXAMINER

GECKIL, M

ART UNIT

PAPER NUMBER

2756

6

DATE MAILED:

06/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/179,332

Applicant(s)

Philip Bates et al

Examiner

Green

Group Art Unit

2756

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 (three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 10/27/98
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-29 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-29 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Claims 1-29 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perholtz et al.
5. Perholtz et al (5,732,212) taught the invention substantially as claimed including a system for connecting a plurality of input devices (1) at a plurality of user locations (remote site) to one or more server computers (Host PC Processor) , said system including:

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(a) a plurality of user ports (figure 1, at block 6, the dotted line coming from modem (7) to the left side of Host Unit 00 (8) for connection to said input devices (1), said user ports being disposed at one or more central locations, each user port being adapted for connection to one or more input devices at a user location remote from the central location of such user port;

(b) a plurality of server ports (see figure 1, block 6, right side of Host Unit 00) adapted for connection to server computers (Host PC Processor (10,16,20));

© a switch (Host Units 00, 01 ..., e.g., elements 8,13 and 18 connected by the daisy chain cable) for selectively associating said user ports and said server ports so that input signals supplied to each user port by an input device connected thereto will be conveyed to the associated server port and to a server connected to such server port; and

(d) one or more code recognition devices associated with said user ports and located at said one or more central locations, said code recognition devices being operative to detect one or more command codes (col 53 line 50 et seq, and col 54 line 38 et seq) in input signals supplied through said user ports and provide code output including code data representing such command code and address data representing the user port carrying the input signals in which such command code was detected.

6. It would have been obvious to one of ordinary skill in the networked computer monitoring and management art at the time of the invention that the claimed invention differed from the teachings of Perholtz et al only by a degree, e.g., the way the claims set up the relationships of

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monitoring computer and the monitored computers or servers and their description, e.g. remote site versus claimed central location and the language of plurality of versus the remote site (1). These differences are no more than a difference in a degree. Essentially, claimed invention reads on the teaching of Perholtz et al. E.g., as in the claimed invention, Perholtz et al taught capturing the keystrokes and the output of the video monitor (col 56 line 2 et seq) at monitored Host PC computers or servers and transmitting them to the monitoring computers at remote site. At the remote site the monitoring computer displays what exists on the server computer's output device (col 46 line 52 et seq.) The monitoring computer at remote site uses the interactive program (col 44 line 1 et seq) to make a connection (see figures 7A-7G and columns 45-46) to the Host Unit 00 as described above and through the Host Unit 00 selectively connects to the server computers (col 19 line 63 et seq, column 46 line 3 et seq and column 53 line 1 et seq.) Host Unit 00 has special features, e.g., it functions as a control or supervisor computer to control the switch functions, e.g. it switches from one server to another server according to the signals it receives from the remote monitoring computer (Col 53 lines 2-21.) Other claimed features are all obvious variations of the well known features of the monitoring and managing computers remotely, e.g., the Beasley patent cited by the applicant at the backgrounds portion of the specification teaches most of these obvious variations.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, can be reached on (703) 305-3817. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9564.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9731, (for formal communications intended for entry)

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Or:

(703) 305-9731 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

6/28/00

MEHMET B. GECKIL
PRIMARY EXAMINER

Mehmet B. Geckil